

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NATERA, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 20-cv-125-LPS
)	(Consolidated)
ARCHERDX, INC., ARCHERDX, LLC,)	
AND INVITAE CORPORATION)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER AND
COUNTERCLAIMS TO NATERA, INC.'S SECOND AMENDED COMPLAINT**

Defendants Invitae Corporation and ArcherDX, LLC (together, "Defendants") move for leave to amend their Answer and Counterclaims (D.I. 133) to Plaintiff Natera, Inc.'s Second Amended Complaint (D.I. 116), pursuant to Federal Rules of Civil Procedure 16(b) and 15(a)(2), and Local Rule 15.1. Defendants' proposed amended pleading adds an inequitable conduct defense and corresponding declaratory judgment counterclaims due to Natera's inequitable conduct in front of the U.S. Patent and Trademark Office, based on facts discovered by Defendants during the discovery period.

The grounds for this motion are set forth in Defendants' letter brief to the Court filed contemporaneously with this motion.

September 2, 2021

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)

Michael J. Farnan (Bar No. 5165)

919 N. Market St., 12th Floor

Wilmington, DE 19801

Tel: (302) 777-0300

Fax: (302) 777-0301

bfarnan@farnanlaw.com

mfarnan@farnanlaw.com

Edward R. Reines (admitted pro hac vice)

Derek C. Walter (admitted pro hac vice)

WEIL, GOTSHAL & MANGES LLP

201 Redwood Shores Parkway

Redwood Shores, CA 94065

(650) 802-3000

*Attorneys for Defendants / Counterclaimants
ArcherDX LLC and Invitae Corp.*